IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE ANTONY DOMINIC

THURSDAY, THE 15TH NOVEMBER 2007 / 24TH KARTHIKA 1929

WP(C).No. 29519 of 2007(L)

PETITIONER:

MUKUNDAN B.MENON,
THOTTUNKAL HOUSE, POONITHURA, ERNAKULAM DISTRICT.

BY ADV. SRI.G.PRABHAKARAN

RESPONDENTS:

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1. THE DISTRICT EXECUTIVE OFFICER,
KERALA MOTOR TRANSPORT WORKERS WELFARE FUND
BOARD, ERNAKULAM.

2. GOVERNMENT OF KERALA, REPRESENTED BY
THE COMMISSIONER AND SECRETARY TO LABOUR
DEPARTMENT, THIRUVANANTHAPURAM.

3. THE DISTRICT COLLECTOR,
ERNAKULAM.

4. THE DEPUTY TAHSILDAR (REVENUE RECOVERY),
KANAYANNUR TALUK, ERNAKULAM, KOCHI.

R1 BY ADV. SRI.P.RAMAKRISHNAN, SC,KMTWF BOARD
R2 TO R4 BY GOVT. PLEADER MR. I.V. PRAMOD.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 15/11/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

ANTONY DOMINIC, J.

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W.P.(C) No. 29519 OF 2007 L
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Dated this the 15th November, 2007

J U D G M E N T

Revenue recovery proceedings initiated against the petitioner for realisation of the dues for the period 2003-04 under the Kerala Motor Transport Workers Welfare Fund Act is under challenge. Pleadings would disclose that the petitioner was totally ignorant about the proceedings or the provisional and final determination orders that were passed.

2. On instruction, the learned Standing Counsel for the respondents submits that for the period 2003-04, provisional determination order dated 22.9.2004 was passed and was served on the petitioner on 1.10.2005. It is also stated that after due enquiry final determination order was passed on 27.10.2005 and that the said order was also served on the petitioner on 9.11.2005. It is also pointed out that despite this, the petitioner did not challenge the order by filing an appeal as provided under the Act.

3. This being the factual situation there is no doubt that the petitioner has not approached this Court disclosing the true facts. Even otherwise there is no merit in the writ petition.

Writ petition fails and is dismissed.

ANTONY DOMINIC
JUDGE

jan/-